

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

15-CR-33A
DECISION AND ORDER

AARON HICKS,
MARCEL WORTHY,
RODERICK ARRINGTON,
LETORRANCE TRAVIS
JULIO CONTRERAS,

Defendants.

On November 16, 2016, Magistrate Judge Scott, to whom the Court referred this case pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), filed a Report and Recommendation (Docket No. 129) recommending that the Court (1) deny Defendant Worthy's motion to suppress (Docket No. 112), in which Defendants Arrington and Hicks joined (Docket Nos. 111 and 113); (2) deny Defendant Worthy's motion to suppress evidence obtained by Title III wiretap orders (Docket No. 112); and (3) deny Defendant Travis' motion to transfer suppression motions he filed in *United States v. Travis*, 11-CR-385 (W.D.N.Y.) for consideration in this case. See Docket No. 120.

No party objected to any of Judge Scott's recommendations. "The district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record." *United States v. Preston*, 635 F. Supp. 2d 267, 269 (W.D.N.Y. 2009). The Court has carefully reviewed Judge Scott's Report and Recommendation as well as the record in this case. After its review, the Court finds no clear error in any of Judge Scott's recommendations. Pursuant to 28 U.S.C. § 636(b)(1), the Court therefore adopts Judge Scott's Report and

Recommendation in its entirety. The Court accordingly denies the suppression motions filed by Defendants Worthy (Docket No. 112), Arrington (Docket No. 111), and Hicks (Docket No. 113). The Court also denies Defendant Worthy's motion to suppress evidence obtained by Title III wiretap orders. Docket No. 112. Finally, the Court denies Defendant Travis' motion to transfer the suppression motions he filed in *United States v. Travis*, 11-CR-385 (W.D.N.Y.) (Docket No. 120) for consideration in this case.¹

The parties shall appear for a meeting to set a trial date on December 13, 2016 at 9:00 a.m. Any request to adjourn the meeting shall be in writing and shall address the requirements of the Speedy Trial Act.

SO ORDERED.

Dated: December 8, 2016
Buffalo, New York

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

¹ The motions Travis moved to adopt in this case sought, among other things, suppression. See Docket No. 120-1 ¶¶ 69- 74. The Court therefore agrees with Judge Scott that a Report and Recommendation, rather than a Decision and Order, was the appropriate method of resolving Travis' motion.